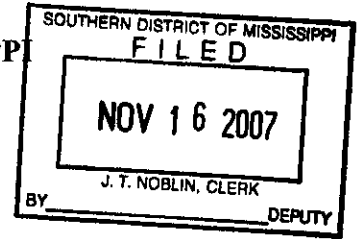


IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



W.C. BULLEY, as Administrator of the)
Estate of IRENE BULLEY, Deceased,)
)
Plaintiff,)
)
v.)
)
CARE CENTER OF CLINTON, LLC;)
CARECORPS MANAGEMENT)
COMPANY, LLC; AND JOHN)
DOES 1-10,)
)
Defendants.)

Civil Action No.: 3:07cv0672
HTW LRA

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that Defendants Care Center of Clinton, LLC, and CareCorps Management Company, LLC (collectively referred to hereafter as "Defendants"), hereby petition this Court for removal of the above-captioned action from the Circuit Court of Hinds County, Mississippi, to the United States District Court for the Southern District of Mississippi pursuant to 28 U.S.C. § 1441 et seq., on the basis of the following facts, which demonstrate the existence of subject matter jurisdiction in this Court:

1. On or about October 16, 2007, Plaintiff commenced this civil action, which was assigned Case No. 251-07-1018CIV in the Circuit Court of Hinds County, Mississippi, by filing a Complaint. (True and correct copies of all process, pleadings, and discovery served upon Defendants to date in the Circuit Court of Hinds County, Mississippi, are attached hereto collectively as Exhibit 1).

2. On or about October 19, 2007, Defendants were served by certified mail with a Summons and Complaint, the pleading setting forth the purported claims for relief. Thus, this Notice of Removal is timely since it is being filed within thirty (30) days of October 19, 2006. See 28 U.S.C. § 1446(b).

3. As more fully described below, this Court has jurisdiction over this action pursuant to 28 U.S.C. § 1332, because it is a civil action in which the amount in controversy exceeds the sum of \$75,000.00, exclusive of costs and interest, and it is between citizens of different states.

A. Complete Diversity

4. There is complete diversity between the Plaintiff and Defendants. Plaintiff states in Paragraph 1 of the Complaint that Plaintiff's decedent was a resident of Hinds County, Mississippi. See 42 U.S.C. 1332(c)(2).

5. Defendants are limited liability companies. A limited liability company's citizenship for diversity purposes is determined by the residency of its members. See Grupo Dataflux v. Atlas Global Group, 541 U.S. 567 (citing GMAC Commercial Credit LLC v. Dillard Dept. Stores, Inc., 357 F.3d 827, 829 (8th Cir. 2004)); see also Rolling Greens MHP, LP v. Comcast SCH Holdings, LLC, 374 F.3d 1020 (11th Cir. 2004). The sole member of Care Center of Clinton, LLC and Care Corps Management Company, LLC, is a resident of the State of Alabama. See Declaration of John Jamison, III, attached hereto as Exhibit 2. Neither of the Defendant LLCs have any members that are citizens of the State of Mississippi. Accordingly, there is complete diversity between the plaintiff, a citizen of Mississippi, and the defendants, whose LLC member is a citizen of Alabama.

B. Amount in Controversy Exceeds \$75,000

6. Plaintiff alleges that Irene Bulley suffered injuries and death as a result of the allegedly negligent care and treatment she received at Defendants' nursing facility. (Plaintiff's Complaint at ¶ 10). Although the Complaint does not specify a monetary demand, Plaintiff seeks to recover compensatory and punitive damages. (Plaintiff's Complaint at ¶ 11).

7. Where a plaintiff has made an unspecified demand for damages in state court, diversity jurisdiction is not defeated when the removing defendant proves by a preponderance of the evidence that the amount in controversy more likely than not exceeds the jurisdictional minimum. See White v. FCI USA, Inc., 319 F.3d 672 (5th Cir. 2003).

8. It is apparent that the amount in controversy exceeds \$75,000. Plaintiff seeks damages related to "medical expenses, daily pain and suffering, funeral bills, mental distress, and loss of enjoyment of life." Additionally, Plaintiff seeks "exemplary or punitive damages." The amount and nature of damages to which the Plaintiff alleges he is entitled demonstrate that the amount in controversy exceeds the jurisdictional minimum of \$75,000.

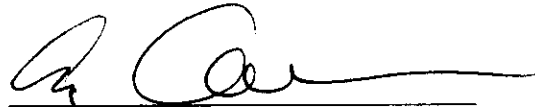
9. In addition, it is not uncommon in wrongful death cases for Mississippi juries to award punitive damages in excess of \$75,000. For example, in Ward v. States General, Case No. 251-98-436-CIV, a jury found the hospital was liable for the death of the plaintiff's decedent and awarded the plaintiff \$1.2 million. Additionally, a Mississippi jury awarded \$17.5 million in a wrongful death case in 2000. See Kitzynger v. Crane, Case No. 99-0166.

10. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because it is the district and division embracing the place where the state court action is pending.

11. No previous application has been made for the relief requested herein.

12. This Notice of Removal has been served on all named parties to the removed case.

13. A written Notice of Filing Notice of Removal, together with a copy of this Notice, will be filed with the Clerk of Court for the Circuit Court of Hinds County Mississippi, and will be served upon the Plaintiff, as required by 28 U.S.C. § 1446(d).



David W. Proctor (MS101825)

Angela C. Cameron (MS101778)

Attorneys for the Defendants

Care Center of Clinton, LLC, and Care
Corps Management Company, LLC

OF COUNSEL:

JOHNSTON BARTON PROCTOR & ROSE LLP

569 Brookwood Village

Suite 901

Birmingham, AL 35209

(205) 458-9400


(205) 458-9500 (facsimile)

CERTIFICATE OF SERVICE

I hereby certify the above and foregoing has been served on the following counsel of record, by placing a copy of the same in the United States Mail, first class postage prepaid and properly addressed:

Ken R. Adcock, Esq.
Mark D. Morrison, Esq.
Adcock & Morrison, PLLC
P.O. Box 3308
Ridgeland, MS 39158

On this, the 15th day of November, 2007.



Of Counsel
